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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH**

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**DEANGELO DESHAWN JOHNSON,**

**Plaintiff,**

**v.**

**PLANET FITNESS, “MANAGER  
CHUCK,” ALISA MARTINEZ,**

**Defendants.**

**ORDER AFFIRMING & ADOPTING  
REPORT & RECOMMENDATION**

**Case No. 2:23-CV-195-DAK-DAO**

**Judge Dale A. Kimball**

**Magistrate Judge Daphne A. Oberg**

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This case was assigned to United States District Court Judge Dale A. Kimball, who then referred the case to United States Magistrate Judge Daphne A. Oberg under 28 U.S.C. § 636(b)(1)(B). On July 27, 2023, Magistrate Judge Oberg issued a Report and Recommendation [ECF No. 14], recommending that this case be dismissed with prejudice for failure to state a claim. The Report and Recommendation notified Plaintiff that any objection to the Report and Recommendation must be filed within fourteen days of receiving it.

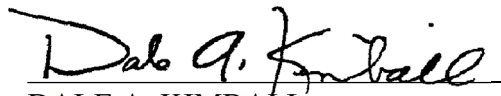
As of the date of this Order, Plaintiff has not submitted an objection. Because twenty-seven days have passed since the Report and Recommendation was issued, and the court assumes that Plaintiff would receive the Report and Recommendation within five days, the deadline for submitting an objection has passed.

A Magistrate Judge’s Report and Recommendation is subject to *de novo* review by this court. *See* 28 U.S.C. § 636(b)(1)(B); *see also* Fed. R. Civ. P. 72(b). The court has reviewed the Report and Recommendation and the record *de novo* and agrees with Magistrate Judge Oberg’s

recommendations in their entirety. Because Plaintiff has previously been informed of the deficiencies of his Complaint and given an opportunity to amend but failed to do so, further opportunities to amend would be futile. Therefore, the court adopts and affirms Magistrate Judge Oberg's Report and Recommendation as to the dismissal of Plaintiff's case with prejudice. Accordingly, this action is dismissed with prejudice.

DATED this 23rd day of August, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Dale A. Kimball", is written over a horizontal line.

DALE A. KIMBALL

United States District Judge